

# **SUMMARY OF 1998 STATUTES AFFECTING THE TRIAL COURT ACCOUNTING SYSTEM**



California State Controller

DIVISION OF ACCOUNTING AND REPORTING

FEBRUARY 1999

# Contents

## **SECTION A: SUMMARY OF 1998 STATUTES AFFECTING THE TRIAL COURT ACCOUNTING SYSTEM**

Introduction .....	A-1
Summary of Legislation Chaptered in 1998.....	A-2
Chapter/Bill Index .....	A-3
Bill/Chapter Index .....	A-4
Summaries .....	A-5

## **SECTION B: AB 233 CLEANUP LEGISLATION – 1998**

AB 1301 (Chapter 146) .....	B-3
AB 1590 (Chapter 406) .....	B-9
AB 1935 (Chapter 1004) .....	B-12
AB 2788 (Chapter 1017) .....	B-14

## **SECTION C: LISTING OF DISTRIBUTIONS TO THE STATE**

Fees .....	C-1
Fines .....	C-6
Penalties .....	C-10
Assessments .....	C-11
Other .....	C-11
Repealed Code Sections .....	C-13

## **SECTION D: KEY PERSONNEL LISTING**

Office of the State Controller .....	D-1, D-2
Judicial Council of California .....	D-2

# **SECTION A**

## **Summary of 1998 Statutes Affecting the Trial Court Accounting System**

## Introduction

This summary of legislation contains bills chaptered in 1998 that affect the Trial Court Accounting System and the related audit system as prescribed by the State Controller's Office in the *Manual of Accounting and Audit Guidelines for Trial Courts (Manual)* and related correspondence.

The bill summaries reflect changes in the accounting system that are not yet included in the *Manual*. These summaries are provided to assist county auditors, judges, court administrators, probation officers, central collection officers, juvenile traffic hearing officers, and any other persons involved in the court accounting process. Emphasis has been placed on the required distribution of fees, fines, forfeitures, penalties, additional penalties, and assessments.

The bill summaries are intended as a guide only. Not all code sections contained in each bill are listed. Readers are strongly urged to obtain the full text of the bills for further detail and additional information not contained in this summary.

Please note that the following abbreviations are used throughout this summary to designate California Codes:

B&P	Business and Professions Code
CC	Civil Code
CCP	Code of Civil Procedure
EC	Education Code
FC	Family Code
F&G	Fish and Game Code
GC	Government Code
H&N	Harbors and Navigation Code
H&S	Health and Safety Code
LC	Labor Code
PC	Penal Code
PCC	Public Contract Code
PRC	Public Resources Code
PRO	Probate Code
R&T	Revenue and Taxation Code
S&H	Streets and Highways Code
VC	Vehicle Code
UIC	Unemployment Insurance Code
W&I	Welfare and Institutions Code

## SUMMARY OF LEGISLATION CHAPTERED IN 1998

### **Trial Court Funding**

Trial Court Funding .....	A-5
Trial Court Funding – Budget Trailer Bill .....	A-6
Trial Court Funding – Cleanup .....	A-13
Trial Court Funding – County Fiscal Relief .....	A-13

### **Probation and Restitution**

Criminal Restitution Orders .....	A-6
Victims of Crime Restitution .....	A-7
Criminal Restitution: Disclosure of Financial Information .....	A-8

### **Other Court Legislation**

Counties – Suspect Identification System – Funding .....	A-5
Guardians, Conservators, and Administrators Accounting and Compensation .....	A-5
Alcohol and Drug Testing Fines – Sonoma County .....	A-6
Marriage: Dissolution .....	A-6
Controlled Substances: Penalties .....	A-7
Domestic Violence .....	A-9
Courts: Security .....	A-10
Vandalism .....	A-11
Motor Vehicles Penalties .....	A-11
Court Unification .....	A-11
Jury Fees .....	A-12
Infractions – Community Service .....	A-13
Birth Certificates: Certified Copies: Fees .....	A-14

# SUMMARY OF LEGISLATION CHAPTERED IN 1998

## CHAPTER/BILL INDEX

### LEGISLATION LISTED BY CHAPTER NUMBER

CHAPTER	BILL	PAGE	SUBJECT
<b>Trial Court Funding</b>			
146	AB 1301	A-5	Trial Court Funding
406	AB 1590	A-6	Trial Court Funding – Budget Trailer Bill
1004	AB 1935	A-13	Trial Court Funding – Cleanup
1017	AB 2788	A-13	Trial Court Funding – County Fiscal Relief
<b>Probation and Restitution</b>			
201	SB 1608	A-6	Criminal Restitution Orders
451	SB 2021	A-7	Victim of Crimes Restitution
587	SB 1768	A-8	Criminal Restitution: Disclosure of Financial Information
<b>Other Court Legislation</b>			
72	AB 1681	A-5	Counties – Suspect Identification System – Funding
103	SB 1487	A-5	Guardians, Conservators, and Administrators: Accounting and Compensation
171	AB 1796	A-6	Alcohol and Drug Testing Fines – Sonoma County
225	AB 913	A-6	Marriage: Dissolution
425	AB 2369	A-7	Controlled Substances: Penalties
707	SB 1682	A-9	Domestic Violence
764	AB 92	A-10	Courts: Security
851	AB 1897	A-11	Vandalism
885	AB 1730	A-11	Motor Vehicles Penalties
931	SB 2139	A-11	Court Unification
1003	SB 1520	A-12	Jury Fees
1061	AB 2197	A-13	Infractions – Community Service
1062	AB 2229	A-14	Birth Certificates: Certified Copy Fees

# SUMMARY OF LEGISLATION CHAPTERED IN 1998

## BILL/CHAPTER INDEX

### LEGISLATION LISTED BY BILL NUMBER

BILL	CHAPTER	PAGE	SUBJECT
<b>Trial Court Funding</b>			
AB 1301	146	A-5	Trial Court Funding
AB 1590	406	A-6	Trial Court Funding – Budget Trailer Bill
AB 1935	1004	A-13	Trial Court Funding – Cleanup
AB 2788	1017	A-13	Trial Court Funding – County Fiscal Relief
<b>Probation and Restitution</b>			
SB 1608	201	A-6	Criminal Restitution Orders
SB 1768	587	A-8	Criminal Restitution: Disclosure of Financial Information
SB 2021	451	A-7	Victims of Crime Restitution
<b>Other Court Legislation</b>			
AB 92	764	A-10	Courts: Security
AB 913	225	A-6	Marriage: Dissolution
AB 1681	72	A-5	Counties – Suspect Identification System – Funding
AB 1730	885	A-11	Motor Vehicles Penalties
AB 1796	171	A-6	Alcohol and Drug Testing Fines – Sonoma County
AB 1897	851	A-11	Vandalism
AB 2197	1061	A-13	Infractions – Community Service
AB 2229	1062	A-14	Birth Certificates: Certified Copy Fees
AB 2369	425	A-7	Controlled Substances: Penalties
SB 1487	103	A-5	Guardians, Conservators, and Administrators: Accounting and Compensation
SB 1520	1003	A-12	Jury Fees
SB 1682	707	A-9	Domestic Violence
SB 2139	931	A-11	Court Unification

## SUMMARIES

**Chapter 72**  
**AB 1681**  
**Effective 1-1-99**

**Counties – Suspect Identification System – Funding:** Amends GC 76102. Authorizes board of supervisors to establish funding for suspect booking identification facilities.

Allows funding specified for automated fingerprint equipment to also include suspect identification facilities, including digital photographic equipment.

Provides that the board of supervisors may establish an Automated Fingerprint Identification and Digital Image Photographic Suspect Identification System Fund to accumulate funding for this equipment from the county penalty pursuant to GC 76000 and the board of supervisors resolution.

**Chapter 103**  
**SB 1487**  
**Effective 1-1-99**

**Guardians, Conservators, and Administrators: Accounting and Compensation:** Amends PRO 2628, 2942, and 7666. Authorizes the court to waive the accounting obligations to the court of guardians and conservators, if the value of the estate property is less than \$7,500 (formerly \$5,000) and the estate's monthly income is less than \$1,000 (formerly \$750).

Raises minimum compensation of a public administrator from \$600 to \$750.

**Chapter 146**  
**AB 1301**  
**Effective 7-13-98**

**Trial Court Funding:** Amends GC 24353, 26857, 27361, 68085, 68085.5, 68547, 77200, 77201.1, 77204, 77205, 77205.5, 77207, 77209, 77212, and 77654; amends PC 1463.001; adds GC 77201 and PC 1463.007. Provides that fees pursuant to GC 27361 and GC 26831 are no longer remitted to the State Trial Court Trust Fund.

Clarifies the 50/50 split of excess collections over revenue MOE between the county and the Trial Court Improvement Fund pursuant to GC 77205.

Provides for penalty on delinquent remittances to the Trial Court Trust Fund.

**Note: For a detailed analysis of AB 1301 see Section B Trial Court Funding Cleanup Legislation – 1998.**

**Chapter 171**  
**AB 1796**  
**Effective 1-1-99**

**Alcohol and Drug Testing Fines – Sonoma County:** Adds PC 1463.17. Authorizes Sonoma County to deposit \$50 for each specified DUI and reckless driving conviction in a special account to be used to cover costs incurred by the county, city, or special district in performing an analysis of blood, breath, or urine for alcohol or drugs.

Provides that this fine distribution shall not reduce the county's AB 233 revenue MOE remittance amount.

**Chapter 201**  
**SB 1608**  
**Effective 1-1-99**

**Criminal Restitution Orders:** Amends PC 1202.4 and 1203.1. Provides that a restitution order in favor of a victim shall be fully enforceable as a civil judgment without reference to PC 1214.

**Chapter 225**  
**AB 913**  
**Effective 1-1-99**

**Marriage: Dissolution:** Adds FC 2348. Requires clerk of superior court to report annually to the Judicial Council on the number of judgments for each of the following:

1. Dissolution of Marriage
2. Legal Separation
3. Nullity of Marriage

After the Judicial Branch Statistical Information System is operational statewide, the judgments reported would also include:

1. Child Custody
2. Child Visitation
3. Child Support

The Judicial Council shall include the number of judgments specified above in its annual report to the Legislature.

**Chapter 406**  
**AB 1590**  
**Effective 8-26-98**

**Trial Court Funding – Budget Trailer Bill:** Amends GC 26863, 68090.7, and 77212: amends, repeals, and adds GC 77201.1; adds GC 77201; adds and repeals GC 77201.3: amends W&I 100. Adjusts County MOE payments.

**Note: For a detailed analysis of AB 1590 see Section B – Trial Court Funding Cleanup Legislation – 1998.**

**Chapter 425**  
**AB 2369**  
**Effective 1-1-99**

**Controlled Substances: Penalties:** Amends H&S 11370.4, 11374.5, and 11379.8. Requires any person convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of a controlled substance in violation of any law to pay a penalty equal to the cost incurred in removing and disposing of any hazardous substance, if such costs are incurred and the prosecuting authority is requested to seek recovery of those costs.

Provides that the county treasurer shall pay the money at least once a month to the agency that requested the cost for the removal action.

Provides that if the Department of Toxic Affairs has requested a recovery, the penalty shall be transferred to the State Controller for deposit in the Illegal Drug Lab Cleanup Account in the State General Fund.

Makes other non-accounting technical changes.

**The State's share of H&S 11374.5 penalties should be identified as "H&S 11374.5 – Illegal Drug Lab Cleanup Account – General Fund" on the State Remittance Form (TC-31).**

**Chapter 451**  
**SB 2021**  
**Effective 9-14-98**

**Victims of Crime Restitution:** Amends GC 13966.01; W&I 730.6 and 730.7; and adds PC 1202.41. Creates a four-year pilot program in Alameda, Sacramento, and San Diego counties for the purpose of amending restitution orders.

Retired judges in regional judicial assignments, as determined by the Judicial Council and Court Operations Services, will be involved in the program.

The Board of Control will be responsible for a preliminary and final report on the results of the pilot.

Clarifies that the Board of Control would be given notice and reasonable opportunity to perfect and satisfy a lien before a judgment, award, or settlement is satisfied in any action or claim by a victim of crime, not just when the State has an interest.

Provides that a minor's inability to pay restitution fines or orders shall not be considered a compelling or extraordinary reason not to impose a restitution fine.

Requires that the minor have the burden of proving a lack of ability to pay restitution fines and orders.

Provides that any portion of a restitution order, in cases where a minor is ordered to pay as a condition of probation, shall remain enforceable after the probation ends or until the obligation is satisfied.

Clarifies that the restitution order may be enforced as a civil judgment.

Provides that a minor shall have the right to a hearing before a judge to dispute the determination of the amount of restitution.

Requires restitution order payments be made to the Restitution Fund to the extent that the victim received assistance from the Restitution Fund pursuant to the Victims of Crime Program.

**Chapter 587**  
**SB 1768**  
**Effective 1-1-99**

**Criminal Restitution: Disclosure of Financial Information**

Amends, repeals, and adds CCP 2033.5; and amends PC 2085.5, and 11177.2; and amends, repeals, and adds PC 987, 1202.4, and 1214. Requires defendant to disclose financial information in cases where restitution may be ordered.

Provides that this financial information be made available to the victim.

Requires the Judicial Council to develop and approve interrogatories for the victim's use in collecting restitution orders.

Provides for payment to a victim of amounts transferred to the Board of Control on behalf of said victim within 60 days. Allows such funds to revert to the Restitution Fund at the end of the fiscal year following the year in which the funds were received, if the victim cannot be located.

Provides that the court, in making sentencing decisions, may consider a defendant's unreasonable failure to make the financial disclosure.

Authorizes the victim to have access to the financial information the defendant may have filed in connection with seeking a court appointed attorney, if the defendant fails to file the financial disclosure required for victim restitution order cases

**Chapter 707**  
**SB 1682**  
**Effective 1-1-99**

**Domestic Violence:** Amends EC 1109, FAM 6380, and PC 1203.097. Changes distribution of \$200 domestic violence fee to the following:

One third to the county's domestic violence program special fund for domestic violence programs;

Two thirds to the State as follows:

One half to the Domestic Violence Restraining Order Reimbursement Fund; and

One half to the Domestic Violence Training and Education Fund.

The funds from the Domestic Violence Restraining Order Reimbursement Fund shall be distributed to local law enforcement or other criminal justice agencies based on the annual notification from the Department of Justice of the number of restraining orders in the state domestic violence restraining order registry for State mandated local costs resulting from the notification requirement in FAM 6385(a).

The funds from the Domestic Violence Training and Education Fund shall be used to support statewide training and education program grants administered by State Department of Health.

The Domestic Violence Fund, which received the State portion of these fees prior to this chapter, was abolished effective January 1, 1999.

Requires the domestic violence reports electronically transmitted to the Department of Justice by each county include the terms and conditions of any restrictions on the ownership or possession of firearms.

Requires statements of witnesses, or a summary of the substance of any testimony expected to be offered, to be disclosed in compliance with specified Penal Code provisions relating to the disclosure of information as part of the discovery process.

**The State's share of PC 1203.097 shall be identified as "PC 1203.097 – Domestic Violence Restraining Order Reimbursement Fund" and "PC 1203.097 – Domestic Violence Training and Education Fund" on the State Remittance Form (TC-31).**

**Chapter 764**  
**AB 92**  
**Effective 1-1-99**

**Courts: Security:** Adds GC 77212.5. Requires trial courts, in a county where court security services are otherwise required to be provided by the county sheriff, to enter into an agreement with the sheriff's department beginning July 1, 1999, to provide court security.

States that this requirement is a possible State mandate.

**Chapter 851**  
**AB 1897**  
**Effective 1-1-99**

**Vandalism:** Amends, repeals, and adds PC 594. Authorizes any city, county, or city and county to enact an ordinance to require that, upon conviction of specified vandalism violations, the defendant pay any law enforcement agency the costs, not to exceed \$250, of identifying and apprehending the defendant. The court needs to determine that the defendant has the ability to pay these costs.

The law enforcement agency shall be responsible for establishing reasonable costs.

Monies received shall be applied only after base fines, state and local penalties, assessments, restitution orders, and restitution fines are satisfied.

**Note: These costs should not be included in proration until all the fines, penalties, assessments, and restitution orders are paid. These cost can be prorated with county service and reimbursement fees, if the above are paid last pursuant to the limited component method (see Chapter 5 in theManual).**

This requirement will sunset January 1, 2002, unless a later enacted statute deletes or extends date.

**Note: AB 1386 (Chapter 853 of Statutes of 1998) was chaptered after AB 1897. However, the same language pursuant to this requirement was included in AB 1386.**

**Chapter 885**  
**AB 1730**  
**Effective 1-1-99**

**Motor Vehicle Penalties:** Amends PC 830.7, VC 40202, and 40225; and adds and repeals VC 1808.25. Clarifies that the failure to properly display a license plate on a vehicle is an equipment violation, allowing for a \$10 reduced penalty upon proof of correction.

**Chapter 931**  
**SB 2139**  
**Effective 9-28-98**

**Court Unification:** Amends or adds numerous codes and sections. Makes various statutory revisions to implement and conform to the unification of trial courts pursuant to Proposition 220, enacted in June of 1998.

Creates a new classification of civil cases known as "limited civil cases." Limited civil cases are matters that are traditionally within municipal court jurisdiction. Limited civil cases receive the same procedural treatment, including filing fees, economic litigation procedures, and appeals that municipal court cases currently receive.

The filing fees for limited civil cases are the same as the former municipal filing fees of \$83 or \$90 (GC 72055) and \$80 for the filing fee by a party other than the plaintiff (GC 72056).

Makes an exception for limited civil cases from various superior court filing fees.

Provides for the preservation of status quo concerning court employee issues despite the unification of courts.

Creates an appellate division in the superior court with jurisdiction of limited civil cases and misdemeanor and infraction cases.

**Note: Limited civil case filing fees can be shown under either Consolidated or Municipal Court filing fees on the State Remittance Form (TC-31).**

**Chapter 1003**  
**SB 1520**  
**Effective 1-1-99**

**Jury Fees:** Amends CCP 631.3 and repeals GC 27081.5. Repeals requirement that jury fees are not returned if the proceeding is dismissed or a trial by jury is waived after deposit of jury fees. GC 68085 had provided that these fees were remitted to the State Trial Court Trust Fund.

Provides that, if a case is settled, dismissed, or a continuance granted with insufficient time to notify jurors that the trial will not proceed as scheduled, the jury fees shall be deposited in the Trial Court Trust Fund unless a refund is requested in writing within 20 calendar days of the settlement, dismissal, or continuance of the case.

**Note: CCP 631.3 was amended with the same language as this bill in a later chapter of AB 1935 (Chapter 1004).**

**Chapter 1004**  
**AB 1935**  
**Effective 1-1-99**

**Trial Court Funding – Cleanup:** Amends CCP 631.3, GC 68070, 68085, 68113, 68502.5, 77009, 77205, 7212, and 77654; adds GC 77009.1, 77201.2, and 77206.1. Changes the Trial Court Operations Fund from a special revenue fund to an agency fund.

Allows a county to lend trial courts money for emergency needs in accordance with specified procedures. For this purpose, interest may be charged to the Trial Court Operations Fund.

Provides that delinquent MOE payments, pursuant to GC 77201 and GC 77201.1, shall be subject to the delinquent penalties as set forth in GC 68085.

Prohibits a judge from authorizing any expenditures in excess of the budget authorized by Judicial Council, and authorizes Judicial Council to appoint a person to manage the expenditures of that court.

Requires trial courts and counties to enter into written contracts on the use and provision of county services beginning in 1999-2000, as specified.

**Note: For a detailed analysis of AB 1935 see Section B – Trial Court Funding Cleanup Legislation – 1998.**

**Chapter 1017**  
**AB 2788**  
**Effective 9-30-98**

**Trial Court Funding – County Fiscal Relief :** Amends GC 77201.1, and 77201.3. Modifies county AB 233 MOE requirements.

**Note: For a detailed analysis of AB 2788 see Section B – Trial Court Funding Cleanup Legislation – 1998.**

**Chapter 1061**  
**AB 2197**  
**Effective 1-1-99**

**Infractions – Community Service:** Adds PC 1209.5. Provides that upon showing that the payment of the total fine for an infraction would be a hardship, the defendant may be sentenced to perform community service in lieu of payment of the total fine.

Total fine for this purpose is defined as base fine, and all assessments, penalties, and additional monies.

Community service work would be valued at an hourly rate determined by dividing total fine by hours ordered.

**Chapter 1062**  
**AB 2229**  
**Effective 1-1-99**

**Birth Certificates: Certified Copies: Fees:** Amends H&S 103625. Extends county authorization for surcharge of up to \$3 on fee for certified copies of birth certificates for juvenile dependency mediation from December 31, 1998, to June 30, 1999.

# **SECTION B**

## **AB 233 Cleanup Legislation 1998**

# TRIAL COURT FUNDING CLEANUP BILLS

<b>Introduction</b> .....	<b>B-2</b>
---------------------------	------------

## **AB 1301**

Trial Court Revenue Distribution Changes.....	B-3
Court and County Split of Revenue Growth .....	B-3
Trial Court Trust Fund/Delinquent Penalties .....	B-6
County Maintenance of Effort (MOE) .....	B-7
Comprehensive Collection Program .....	B-8
Miscellaneous .....	B-8

## **AB 1590**

Automating Court Recordkeeping and Micrographics Fee .....	B-9
County Maintenance of Effort (MOE) .....	B-10

## **AB 1935**

Trial Court Trust Fund/Delinquent Penalties .....	B-12
Trial Court Operations Fund.....	B-13
Miscellaneous .....	B-13

## **AB 2788**

County Maintenance of Effort (MOE) .....	B-14
Appropriation .....	B-16

## Introduction

AB 1301 (Chapter 146 of the Statutes of 1998), AB 1590 (Chapter 406 of the Statutes of 1998), AB 1935 (Chapter 1004 of the Statutes of 1998), and AB 2788 (Chapter 1017 of the Statutes of 1998) are all major cleanup bills of AB 233 (Chapter 850 of the Statutes of 1997), known as the Lockyer-Isenberg Trial Court Funding Act of 1997.

AB 1301 was signed by the Governor on July 13, 1998, and is effective July 13, 1998.

AB 1590 was signed by the Governor on August 26, 1998, and is effective August 26, 1998.

AB 2788 was signed by the Governor on September 30, 1998, and is effective September 30, 1998.

AB 1935 was signed by the Governor on September 30, 1998, and is effective January 1, 1999.

The State Controller, pursuant to GC 71380 and 77206(a), is responsible for establishing, supervising, and revising a uniform accounting system for trial courts so that trial court revenues are properly and uniformly accounted for and distributed to all levels of government. These guidelines serve to update the *Manual of Accounting and Audit Guidelines for Trial Courts (Manual)* until the next version of the *Manual*.

These guidelines are not intended to be a complete overview of the Trial Court Funding cleanup bills. The purpose of this publication is to inform counties and trial courts of the changes in the accounting and distribution of fines, fees, forfeitures, and penalties.

## AB 1301 (Chapter 146, Effective July 13, 1998)

### Trial Court Revenue Distribution Changes

**Government Code  
26831**

**County Clerk's Copying Fee:** The reference to GC 26831, the county clerk's copying fee, was deleted from GC 68085 as a fee to be deposited into the State Trial Court Trust Fund. As of July 13, 1998, this fee should be retained by the county and no longer be remitted to the State.

**Government Code  
27361 (amended)**

**Recording and Indexing Fee:** The distribution of \$1 of the recording and indexing fee, pursuant to GC 27361(b), was changed from the State to the county general fund.

Requires the State Controller to deduct any GC 27361 payments remitted to the State Trial Court Trust Fund between January 1, 1998, and date of enactment of AB 1301 (July 13, 1998) to the county's 1997-98 revenue MOE (GC 77201).

**Note:** GC 77201(h), pursuant to AB 1301, required the State Controller to refund counties any overpayment of AB 233 MOE, as determined by the Department of Finance, from the Trial Court Operations Fund. However, a later bill (AB 1590, Chapter 406) deleted this requirement from GC 77201 (see below). Any refunds will be paid pursuant to existing statutes (GC 13140 – 13144.)

**Penal Code 1463.001  
(amended)**

**Fines March 1977 Agreement:** Repeals the requirement that a county with a March 22, 1977, agreement (Fresno County) remit 50% of city fines to the State General Fund.

### Court and County Split of Revenue Growth

**Government Code  
77205 (amended)**

**Court and County Split of Revenue Growth:** Clarifies that the 50/50 split of court revenue growth should be calculated based on what would have been remitted to the State pursuant to the applicable statutes as they read on December 31, 1997. This calculation does not include funds remitted to cities. For the 1997-98 fiscal year, it would include funds remitted to the State General Fund pursuant to the distribution in place prior to the enactment of AB 233.

**Included in the GC 77205 calculation:**

- PC 1463.001 (county arrest) fines– 75% of base fine
- PC 1463.001 (city arrest) fines

**For 1997-98 fiscal year:**

75% of county percentage in PC 1463.002  
50% of city portion in PC 1463.002

**For 1998-99 fiscal year and thereafter:**

75% of county percentage in PC 1463.002

- PC 1464 State Penalty– 30%, including traumatic brain penalty. Does not include VC 40611.
- VC 42007 Traffic Violator School fees– 77% of collections retained by county.
- VC 42007.1 Traffic Violator School \$24 fee–100% of collections.
- VC 42008 Amnesty fees (Distribution repealed so activity is unlikely)– 100% of funds that would have been remitted to the State General Fund on December 31, 1997. Since no funds were remitted to the State in the 1997-98 fiscal year, this amount should be zero.
- GC 27361 Recording and Indexing fee– \$1 fee pursuant to section(b), including amounts adjusted or scheduled to be refunded from the State.
- PC 1463.07, formerly GC 29550(f), Administrative Screening and Citation Processing fee– 100% of collections.
- GC 76000 \$2 portion of every parking fee– 100% of collections.

Of the amount that exceeds the county's total in GC 77201(b)(2) for the 1997-98 fiscal year, and GC 77201.1(b)(2) for the 1998-99 fiscal year and thereafter, 50% is remitted to the State Trial Court Improvement Fund and 50% is deposited in the county general fund.

The calculations would be made after any deductions for eligible comprehensive collections costs pursuant to PC 1463.007.

**Note: The county should make the calculation either based on the accrual basis (July through June collection months) or on the cash basis for the fiscal year. The calculations should be consistently applied thereafter as either cash or accrual.**

**Note: For the 1997-98 fiscal year, the calculation amount would include funds remitted to the State General Fund. However, the AB 233 declaration was calculated on a cash basis when received by the State. Therefore, the calculation should *not* be made by adding the AB 233 revenue declaration and collection months through June 1998. This method would result in 13 or 14 months of revenue collection and is not required by statute.**

For the 1998-99 fiscal year and thereafter, the following counties shall make their split when the specified revenues exceed the following amounts:

Placer	\$ 1,554,667
Riverside	11,028,078
San Joaquin	3,694,810
San Mateo	5,304,995
Ventura	4,637,294

**The State's share of GC 77205 is identified as "Trial Court Improvement Fund – GC 77205" on the State Remittance Form (TC-31)**

**Government Code  
68085.5 (amended)**

**Court Facilities Renovation, Repair, and Maintenance Projects:**  
Clarifies that if a county had been appropriated funds pursuant to this section, the county is required to repay the allocation to the State Trial Court Trust Fund from the county portion of excess revenue collections, pursuant to GC 77205.

## Trial Court Trust Fund / Delinquent Penalties

### Government Code 68085 (amended)

**Trial Court Trust Fund:** Provides that the trial court funding apportionment is at least quarterly, not to exceed 30% in any 90-day period.

Final payment for each fiscal year shall be made on or before August 31.

Requires the State Controller to calculate a penalty on any delinquent GC 68085 remittance by multiplying the amount of the delinquent payment at daily rate equivalent to  $1\frac{1}{2}$  % per month for the number of days the payment is delinquent.

Penalty amounts are paid by a county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated. This method differs from the former method as the State Controller no longer deducts the penalty from a county's apportionment.

**It is possible that a penalty on a penalty could be charged if the penalty payment is late.**

**The State Controller will notify a county of any delinquent remittance in writing. Delinquency will be determined by the postmark of the remittance.**

Allows the trial court to pay the delinquent payment out of the Trial Court Operations Fund if, pursuant to GC 24353, the court is determined to be the agency responsible for the delinquency.

**Note: Any penalty should be remitted on the State Remittance Form (TC-31) identified as GC 68085(i)– Delinquent Penalty– Trial Court Trust Fund**

### Government Code 24353 (amended)

**Payment into County Treasury:** Provides that the courts remit fine and forfeiture data to the County Auditor-Controller within 35 days of the month of collection.

Provides that the county department or trial court reimburse the county general fund if they are responsible for a delinquent penalty being imposed pursuant to GC 68085.

**Government Code  
77207 (amended)**

**Legislative Appropriation and Judicial Council Allocation of Trial Court Funding:** Clarifies that the Legislature shall appropriate trial court funding and the State Controller shall distribute trial court funding, pursuant to an allocation schedule adopted by the Judicial Council.

**County Maintenance Of Effort (MOE)****Government Code  
77200 (amended)**

**State Responsibility for Trial courts** Clarifies that MOE payments, pursuant to GC 77201.1, are deposited into the State Trial Court Trust Fund.

**Government Code  
77201 (added)**

**MOE Payments (1997-98 Fiscal Year):** Repeals July 1, 1998, sunset of GC 77201. The MOE amounts in GC 77201 are still effective only for the 1997-98 fiscal year.

Details 1997-98 MOE payment percentages.

Clarifies that PC 1463.07 administrative and screening fees (formerly GC 29550(f)) are part of the MOE.

**Note:** GC 77201(h), pursuant to AB 1301, required the State Controller to refund the counties any overpayment of AB 233 MOE, as determined by the Department of Finance, from the Trial Court Trust Fund. However, a later bill (AB 1590, Chapter 406) added a new GC 77201 without this requirement (see below). Refunds will be paid pursuant to existing statutes GC 13140 - 13144.

**For the final version of GC 77201, see page B-10 under AB 1590.**

**Government Code  
77201.1 (amended)**

**MOE Payments:** Clarifies that PC 1463.07 administrative and screening fees (formerly GC 29550(f)) are part of the MOE.

**For the final version of GC 77201.1 for the 1998-99 fiscal year, see page B-11 under AB 1590**

**For the final version of GC 77201.1 for the 1999-2000 fiscal year, see page B-14 under AB 2788**

## Comprehensive Collection Program

### **Penal Code 1463.007 (amended)**

**Comprehensive Collection Program:** Provides that this program shall apply to costs incurred by a court or county on or after June 30, 1997.

Cancels requirement that comprehensive collection programs fines and forfeitures be 60 days from the date they were due and payable.

Provides that costs incurred by a court or county prior to the implementation of the time payment agreement may be recaptured if the payment becomes delinquent.

## Miscellaneous

### **Government Code 26857 (amended)**

**When Fees Not to be Charged:** Corrects drafting error in AB 233 to allow for waiver of fees for services rendered to the State.

### **Government Code 77202.5 (added)**

**Ventura County Funding:** Reinstates a minimum subvention for trial court funding for Ventura County that was inadvertently repealed in AB 233.

### **Government Code 77204 (amended)**

**Payment of Legal Costs:** Adds State, Judicial Council, and Administrative Office of the Courts for which the Judicial Council is authorized to allocate from the Trial Court Trust Fund, to pay legal costs in specified cases.

### **Government Code 77654 (amended)**

**Task Force on Trial Court Facilities:** Changes the date on which the county is responsible for court facilities for staff in judicial positions established prior to July 1, 1996, instead of January 1, 1996.

**SEC 15.5**

**Appropriations:** Transferred \$20.5 million from the General Fund to the State Trial Court Trust Fund to adjust estimated trial court realignment remittances to actual.

Provided for a \$90 million no interest loan from the General Fund to the Trial Court Trust Fund to be repaid 10 days after the enactment of the Budget Act of 1998.

Allowed for apportionment to trial courts to reimburse them for uncompensated expenses of trial court operations incurred during fiscal year 1997-98, and to meet payroll of trial court personnel and compensation needs of trial courts with respect to contract personnel serving the trial courts, where those services are required by the State Constitution.

**AB 1590 (Chapter 406, Effective August 26, 1998)****Automating Court Recordkeeping and Micrographics Fee****Government Code  
26863 (amended)**

**Additional fee to defray cost of automating court recordkeeping systems:** Limits the use of these fees to trial court recordkeeping.

Eliminates the county clerk use of these fees.

**Government Code  
68090.7 (amended)**

**Additional fees:** Provides that court automation fees be deposited into the Trial Court Operations Fund and used exclusively for automating trial court recordkeeping system and/or converting the trial court document system to micrographics.

## County Maintenance Of Effort (MOE)

### **Government Code 77201 (added)**

**MOE 1997-98 Fiscal Year:** Delays implementation of the Department of Finance's 1994-95 expenditure declaration adjustments until the 1998-99 fiscal year.

**Note:** GC 77201(h), pursuant to AB 1301, required the State Controller to refund counties any overpayment of AB 233 MOE, as determined by the Department of Finance, from the Trial Court Trust Fund. However, this Chapter does not contain this requirement from GC 77201. Refunds were paid pursuant to existing statutes GC 13140 –13144.

**Note:** In a letter to all counties dated May 19, 1998, the Department of Finance indicated that the judicial benefit declaration would apply in the 1997-98 fiscal year.

Because the 1994-95 expenditure declaration will not take place in the 1997-98 fiscal year, county charges for those services related to the increase adjustments shall not occur in the 1997-98 fiscal year.

In the 1997-98 fiscal year, the counties shall charge for and the courts shall pay GC 77212 obligations consistent with the following:

(A) A county shall reduce the charges to a court for those services for which the amount in the Expenditure MOE is adjusted upward, by an amount equal to the lesser of:

- The amount of the 1994-95 increase certified by the Department of Finance pursuant to GC 77201(d)(2).
- The difference between the amount paid from the Trial Court Operations Fund and the amount charged in fiscal year 1994-95.

(B) For 1997-98 fiscal year funds paid out of the Trial Court Operations Fund for which there was an upward adjustment, the lesser of the following amount shall be returned:

- The amount of the 1994-95 increase certified by the Department of Finance pursuant to GC 77201(d)(2).
- The difference between the amount paid from the Trial Court Operations Fund and the amount charged in fiscal year 1994-95.

The Judicial Council shall reduce the allocation to the courts by the amount of any increase certified by the Department of Finance, if the cost of the services was used to determine the 1997-98 funding level.

**Government Code  
77201.1 (effective July 1,  
1998 – Repealed July 1,  
1999) (amended)**

**MOE Payments (1998-99 Fiscal Year):** Reduces several counties' revenue MOE amounts.

Provides for adjustments to 1998-99 expenditure MOE amounts, the impact of which is shown in section (h).

Provides that in any fiscal year in which Los Angeles County pays the employer-paid retirement contributions for court employees or other employees charged to the budget of the courts, the expenditure MOE is increased by the actual amount charged, not to exceed \$23,527,949. The county and trial court shall report the amount charged to the State Controller and the Department of Finance.

**GC 77201.1 (effective July 1, 1999) (added)**

**MOE Payments (1999-2000 Fiscal Year and Thereafter):**

For the final version of GC 77201.1 for the 1999-2000 fiscal year, see page B-14 under AB 2788.

**GC 77201.3 (added)**

**Adjustments to County Obligation Payments :**

For the final version of GC 77201.3, see page B-14 under AB 2788.

## AB 1935 (Chapter 1004, Effective January 1, 1999)

### Trial Court Trust Fund / Delinquent Penalties

**Government Code  
68085 (amended)**

**Trial Court Trust Fund:** Adds unrefunded jury fees, pursuant to CCP 631.3, to fees remitted to the State Trial Court Trust Fund, thereby clarifying the apparent conflict between CCP 631.3 and GC 27051.5.

Provides that GC 68085 applies to all payments to the Trial Court Trust Fund including GC 77201, 77201.1, and 77205.

**Note:** The payments pursuant to GC 77205 are to the Trial Court Improvement Fund and not to the Trial Court Trust Fund and, as such, are not subject to GC 68085 penalties as stated in paragraph (e).

GC 77201.2 further clarifies that the MOE payments pursuant to GC 77201 and 77201.1 are subject to the penalty provision in GC 68085.

Provides that the Judicial Council, CSAC, and County Auditors report to the Legislature by February 1, 1999, on recommendations to improve the collection and remittance of revenues to the Trial Court Trust Fund.

**Government Code  
77201.2 (added)**

**Delinquent Penalties:** Requires delinquent GC 77201 and 77201.1 MOE payments to be subject to the penalty in GC 68085.

For any MOE remittance that was due on or prior to January 1, 1999, and remitted after that date, the penalty would commence accruing on January 1, 1999, to the date the MOE is received.

## Trial Court Operations Fund

### Government Code 77009 (amended)

**Trial Court Operations Fund:** Clarifies that the Trial Court Operations Fund is an agency fund rather than a special revenue fund.

As the Trial Court Operations Fund is not included in the county budget and board of supervisors approval for expenditures is not required, the Trial Court Operations Fund does not meet the requirements to be a special revenue fund.

Unless changes are made pursuant to GC 77212, the county would continue to provide courts with financial accounting within the Trial Court Operations Fund.

GC 77009(h) requires the Judicial Council, with the concurrence of the Department of Finance and the State Controller's Office, to establish procedures for the implementation of the Trial Court Operations Fund and the payment of trial court operations expenditures. These procedures have not yet been developed.

Provides that interest may be charged to the Trial Court Operations Fund as provided in GC 77009.1.

### Government Code 77009.1 (added)

**Cash Flow Loans:** Permits a county to lend money to the trial courts for cash-flow problems or other emergency monetary needs. The county may charge interest at the county pooled money investment account rate.

A trial court may seek a loan only after the Judicial Council has approved the loan and notified the Department of Finance of the loan.

Counties are not required to provide loans to trial courts.

## Miscellaneous

### Government Code 77206.1 (added)

**Budget Limitations:** Provides that a judge or designate of the judge may not approve a claim or authorize a warrant in excess of the budget amount authorized by the Judicial Council.

**Government Code  
77212 (amended)**

**Contracts for Services:** Provides that for the 1999-2000 fiscal year and thereafter, presiding judges and the county shall enter into contracts for any agreed upon services identifying the scope of service, method of service delivery, term of agreement, anticipated outcomes, and the cost of the service.

**AB 2788 (Chapter 1017, Effective September 30, 1998)****County Maintenance Of Effort(MOE)****GC 77201.1 (operative  
July 1, 1999) (amended)**

**MOE Payments:** Beginning in the 1999-2000 fiscal year and continuing thereafter:

Provides amounts to be paid as Expenditure and Revenue MOE for the 1999-2000 and each fiscal year thereafter, subject to GC 77201.3 adjustments.

Changes fourth MOE payment due date from July 1 to May 1.

Deletes expenditure basis MOE requirement for Tulare County.

Reduces revenue basis MOE requirement for San Bernardino County.

**Government Code  
77201.3 (amended)**

**Adjustments to County Obligation Payments:** Commencing with the 1998-1999 fiscal year, specified counties may reduce their AB 233 MOE payments by an amount not to exceed 33% of amounts specified in subsection (b) of 77201.3.

By January 15, 1999, the Department of Finance shall determine if it is feasible to reduce MOE payment the counties are required to remit in the 1999-2000 fiscal year by the amount specified in subsection (b) for each specified county.

If the Department of Finance determines that it is feasible to take the entire reduction in the 1999-2000 fiscal year, the amounts will be evenly credited to the MOE payments for the 1999-2000 fiscal year.

If the Department of Finance determines that it is not feasible to take the entire reduction in the 1999-2000 fiscal year, an appeal process is allowed for any specified county that believes the 33% reduction would significantly contribute to extreme financial hardship on the county.

The county shall submit a written appeal to the Department of Finance by February 15, 1999.

The Department of Finance shall review the appeal and have a written decision, not subject to appeal, by April 1, 1999.

If a county's appeal is approved, the full amount shall be evenly credited to the payments in the 1999-2000 fiscal year.

The criteria for determining extreme financial hardship include, but are not limited to, the following:

1. Below-average statewide growth in general purpose revenue.
2. Below-average statewide growth in property tax assessed valuation.
3. Above-average statewide unemployment rate.
4. Above-average statewide growth in program expenditures.
5. Extraordinary local costs caused by natural disasters.
6. Current finding of financial distress from the Commission on State Mandates with regard to the general assistance program under Welfare and Institutions Code 17000.
7. Other criteria, as determined by the department, which demonstrates financial hardship.

The reduction may not exceed the reduction listed in subdivision (b)

Section shall be repealed on January 1, 2002.

The following counties listed in 77201.3 (b) are not subject to the reduction in GC 77201.3 because their expenditure MOE is reduced to zero for the 1999-2000 fiscal year, pursuant to GC 77201.1(b)(1):

El Dorado	Merced
Humboldt	San Luis Obispo
Kings	Santa Cruz
Madera	Shasta
Marin	Tulare

Placer and Sutter counties are exceptions to the above ruling because their section 77201.3 amount is greater than their 1998-99 expenditure MOE amount. These two counties may submit an appeal to the Department of Finance, which may approve a reduction to the amount specified in the expenditure MOE for the 1998-99 fiscal year only.

## Appropriation

Appropriates \$16,559,000 for transfer from the General Fund to the Trial Court Trust Fund

# **SECTION C**

## **Listing of Distributions to the State**

## Listing of Distributions to the State

Beginning April 1, 1998, the copy of the State Remittance Form (TC-31) that the State Controller's Office returns to the counties will not have a Controller's receipt (CR) number or a date stamp; it will have the dated State Treasurer's endorsement. Therefore, all TC-31s will now be referenced by remittance advice numbers.

The most common distributions of court-related revenues and other revenues to the State are listed below. This list should be used as an aid for identifying accounts when preparing collection and distribution statements, such as the State Remittance Advice (Form CA-25, TC-31). This is not an all-inclusive listing. Most of the codes cited under the identification column are listed on the preprinted TC-31. However, the codes are not listed in the same order as on the preprinted TC-31.

Strikeouts represent repealed distributions. Please note that agencies may continue to remit revenues collected from accounts receivable to these funds. All audit findings must be remitted using the distributions in effect when the error was made. However, pursuant to Penal Code Section 1464.8, the allocation and distribution of monies collected on criminal cases may be based on the law in effect during the accounting period when the payment is made. Penal Code Section 1464.8 is subject to the distribution requirements of Penal Code Section 1463.001.

<b>Fees</b>	<b>Source/Violation</b>	<b>Identification</b>
	Small Claim Filing Fee (CCP 116.230) – \$5 of \$20 or \$35 fee	Trial Court Trust Fund – CCP 116.230
	Dismissed Jury Fee (CCP 631.3)	Trial Court Trust Fund – GC 68085 – CCP 631.3
	Environmental Document Filing Fees (F&G 711.4) – \$1,250 for negative declaration, \$850 for environmental impact report	Environmental Document Filing Fee Fund – F&G 711.4
	Public Employment Retirement Fees (GC 26822.3, 72056.1) court fees	Judges Retirement Fund – GC 26822.3, 72056.1

<b>Fees (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	Change of Venue Fee (GC 26823) – \$9 of \$23 fee	Trial Court Trust Fund – GC 68085 – GC 26823
	Filing Fee Amended Complaint – Superior Court (GC 26826.01) – \$75	Trial Court Trust Fund – GC 68085 – GC 26826.01
	Subsequent Paper Probate fee (GC 26827.4) – \$9 of \$23 fee	Trial Court Trust Fund – GC 68085 – GC 26827.4
	Motion Fee (GC 26830) – \$9 of \$23 fee	Trial Court Trust Fund – GC 68085 – GC 26830
	<del>County Clerk's Copying Fee (GC 26831) – reasonable charge</del> <b>REPEALED 7/13/98</b>	<del>Trial Court Trust Fund – GC 68085 – GC 26831</del>
	Certified Copy of Marriage Dissolution Record Fee (GC 26832.1) – \$2 of \$5 or \$10 fee	Trial Court Trust Fund – GC 68085 – GC 26832.1
	Certifying Copy Fee (GC 26833.1) – \$4.25 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26833.1
	Authenticated Document Fee (GC 26835.1) – \$4 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26835.1
	Certificate When Fee not Fixed (GC 26836.1) – \$4.25 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26836.1
	Comparison Fee (GC 26837.1) – \$1.00 per page	Trial Court Trust Fund – GC 68085 – GC 26837.1
	Certificate on Filing Notice of Motion Prior to Appeal Fee (GC 26838) – \$9 of \$23 fee	Trial Court Trust Fund – GC 68085 – GC 26838
	Filing and Indexing Other Papers Fee (GC 26850.1) – \$3.75 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26850.1

<b>Fees (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	Recording or Registering License or Certificate Fee (GC 26851.1) – \$3.75 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26851.1
	Certificate of Official Capacity of Public Official Fee (GC 26852.1) – \$3.75 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26852.1
	Taking Affidavit Fee (GC 26853.1) – \$3.75 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26853.1
	Taking Acknowledgment Fee (GC 26855.4) – \$3.75 of \$6 fee	Trial Court Trust Fund – GC 68085 – GC 26855.4
	Proceedings Regarding Custody and Visitation of Minor Children Fee (GC 26862) – \$5 of \$20 fee	Trial Court Trust Fund – GC 68085 – GC 26862
	<del>Dismissed Jury Fee (GC 27081.5)</del> <b>REPEALED 1/1/99</b>	<del>Trial Court Trust Fund – GC 68085 – GC 27081.5</del>
	<del>Fee for Recording and Indexing Documents. \$3 for each additional page. Distribute \$1 of the \$3 to the State (GC 27361)</del> <b>REPEALED 7/13/98</b>	<del>Trial Court Trust Fund – GC 27361(e)</del>
	<del>Fee for Recording and Indexing Documents. \$3 for each additional page. Distribute \$1 of the \$3 to the State (GC 27361)</del> <b>REPEALED 1/1/98</b>	<del>General Fund (Records) – GC 27361</del>
	<del>Citation Processing Fee – \$10 upon conviction from each person cited and released</del> <b>REPEALED 6/30/96</b>	<del>General Fund (Citation) – GC 29550(f)</del>

Fees (Continued)	Source/Violation	Identification
	<del>Administrative Screening Fee—\$25 upon conviction from each person arrested and released</del> <b>REPEALED 6/30/96</b>	<del>General Fund (Admin.)—GC 29550(f)</del>
	Cancellation of Land Use Fee (GC 51283)	Dept. of Conservation — GC 51283
	Superior Court Filing Fees (GC 26820.4, 26826 & 26827) — First paper: plaintiff, probate, guardianship, and conservatorship	Trial Court Trust Fund — Filing Fees (Superior Court) GC 68085
	Municipal Court and Limited Civil Case Filing Fees (GC 72055 & 72056) — First paper: plaintiff, probate, guardianship, and conservatorship	Trial Court Trust Fund — Filing Fees (Municipal) GC 68085
	Consolidated Court Filing Fees — If courts are consolidated and the fees cannot be identified to a specific court (GC 26820.4, 26826, 26827, 72055, 72056)	Trial Court Trust Fund — Filing Fees (Consolidated) GC 68085
	Superior Court Reporter Fees (GC 68086) — actual costs for court reporter services	Trial Court Trust Fund — Reporter Fees (Superior) GC 68085
	Municipal Court Reporter Fees (GC 68086) — actual costs for court reporter services	Trial Court Trust Fund — Reporter Fees (Municipal) GC 68085
	Consolidated Court Reporter Fees — If courts are consolidated and fees cannot be identified to a specific court (GC 68086) — actual costs for court reporter services	Trial Court Trust Fund — Reporter Fees (Consolidated) GC 68085

<b>Fees (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	Automated accounting and case processing systems (GC 68090.8) – 2% Automation Fee	Trial Court Improvement Fund – GC 68090.8 (2% automation)
	Filing Fee Amended Complaint – Municipal Court (GC 72056.01) – \$45	Trial Court Trust Fund – GC 68085 – GC 72056.01
	Fee for a Certificate and Transmitting Transcript and Papers on Appeal (GC 72060) – \$4 of \$10 fee	Trial Court Trust Fund – GC 68085 – GC 72060
	Certified Birth Certificate Copy Fees to State Children's Trust Fund in conformity with W&I 18965 (H&S 103625(b))	Family Law Trust Fund – Marriage Record Fees – H&S 103625 (c&d), CC 5183, GC 26832, Family Code 1852
	Burial Permit Fee for Disposition of Human Remains (H&S 103680(b), formerly H&S 10610.05). Distribute \$1 of the additional \$3 fee to the State	Peace Officers' Training Fund – H&S 103680(b), formerly H&S 10610.05
	Criminalistics Lab Fee – \$50 per conviction of controlled substances, if Dept. of Justice Criminalistics Lab used (H&S 11372.5)	General Fund – H&S 11372.5
	State Fire Marshall Explosive Permit Fee (H&S 12105) – 50% of fee	General Fund – Explosives Permit Fee – H&S 12105
	Diversion Restitution Fee (PC 1001.90) – 100% of fee	Restitution Fund – PC 1001.90
	Domestic Violence Fee (PC 1203.097) – 1/2 of 2/3 of fee to be distributed to local law enforcement	Domestic Violence Restraining Order Reimbursement Fund – PC 1203.097

<b>Fines</b>	<b>Source/Violation</b>	<b>Identification</b>
	Domestic Violence Fee (PC 1203.097) – 1/2 of 2/3 of fee for statewide training and education.	Domestic Violence Training and Education Fund – PC 1203.097
	Proof of correction transaction fee (VC 40611) – \$10 fee. Distribute 34% to the State Penalty Fund .	State Penalty Fund (POC) – VC 40611
	<del>Administrative Fee (holds on registration from parking violations prior to 1/1/87) \$3 per hold; (VC 41103.5) REPEALED 1986</del>	<del>Motor Vehicle Acct. – VC 41103.5</del>
	<del>Traffic Violator School Fee (VC 42007.1) – \$24 additional fee; distribute 100% to the State REPEALED 1/1/98</del>	<del>General Fund (\$24) – VC 42007.1</del>
	<del>Traffic Violator School Fee equal to the total bail (VC 42007.1, 42007); distribute 77% to the State. For failure to submit proof of completion of Traffic Violators School (VC 40512.6), the fee is converted to a bail forfeiture and distributed pursuant to VC 42007.1 REPEALED 1/1/98</del>	<del>General Fund (TVS) – VC 42007, 42007.1</del>
	Business & Professions Fines (BP 1719) – 75% of fines	Dentistry Fund (Board of Dental Examiners) – BP 1719
	Business & Professions Fines (BP 2446) – 75% of fines	Board of Medical Quality Assurance Fund – BP 2446
	Business & Professions Fines (BP 2458) – 100% of fines	Osteopathic Medical Board of California Contingent Fund – BP 2458
	Business & Professions Fines (BP 3145.5) – 100% of fine	Optometry Fund – BP 3145.5

<b>Fines (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	Business & Professions Fines (BP 4236) – 50% of fines; (BP 4412, 4414) – 100% of fines	Pharmacy Board Contingent Fund – BP 4236, 4412, or 4414
	Business & Professions Fines (BP 4903) – 50% of fines	Veterinary Medical Board Contingent Fund – BP 4903
	<del>Civil fines for unlicensed operation of a collection agency, action by Attorney General (B&amp;P 6872 (b))</del> <b>REPEALED 6/30/92</b>	<del>Collection Agency Fund – BP 6872</del>
	Abalone Fines (F&G 12009) – 50% of abalone fines	State Abalone Restoration and Preservation Account – F&G 12009
	Fish and Game Fines (F&G 13003) – 50% of fines	Fish and Game Preservation Fund – F&G 13003
	Abandoned Watercraft Fines (H&N 525) – 80% of abandoned watercraft fines	State Abandoned Watercraft Abatement Fund – H&N 525
	Controlled Substances (H&S 11502) – 75% of fines	General Fund – H&S 11502
	State Fire Marshal Fines (H&S 13112.1) – 50% of fines	Fire & Arson Training Fund – H&S 13112.1
	Hazardous Substance Fines (H&S 25192) – civil penalties and criminal fines for hazardous substance violations – 50% of civil penalties and fines	Hazardous Substance Account – H&S 25192, 25189
	Labor Fines (LC 1305(b)) – 25% of fines and penalties for employing a minor	General Fund – LC 1305(b)

<b>Fines (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	Sex Offenses Fines – 100% of additional fine for conviction of PC 290 (FIRST OFFENSE)	General Fund (First Conviction) – PC 290.3
	Sex Offenses Fines – 100% of additional fine for conviction of PC 290 (SECOND OR SUBSEQUENT OFFENSE)	General Fund (Second Conviction) – PC 290.3
	Restitution Fines – Child Abuse (PC 294) – 100% of fine upon conviction of specified child abuse statutes	Restitution Fund – PC 294
	Restitution Fines (PC 1202.4, W&I 730.6, formerly GC 13967, 13967.5; W&I 729.6, and PC 1203.04) – 100% of fine	Restitution Fund – PC 1202.4, W&I 730.6, formerly GC 13967, 13967.5, W&I 729.6, and PC 1203.04
	Restitution Fines for Parole Revocation (PC 1202.45) – 100% of fine	Restitution Fund – PC 1202.45
	<del>Base Fines and Forfeitures (other than parking); distribute to the State 75% of any amount due to the county</del> <b>REPEALED 1/1/98</b>	<del>General Fund (County) – PC 1463.001</del>
	<del>Base Fines and Forfeitures (other than parking); distribute to the State 50% of any amount due to the city as per PC 1463.002</del> <b>REPEALED 1/1/98</b>	<del>General Fund (City) – PC 1463.001</del>
	<del>Public Offenses on Parks and Recreation Property (PC 1463.02) – 50% of fines</del> <b>REPEALED 6/30/91</b>	<del>Parks and Recreation Fund – PC 1463.02</del>
	<del>State Police Fines (PC 1463.03) – 50% of fines</del> <b>REPEALED 6/30/91</b>	<del>CA State Police Fund – PC 1463.03</del>

<b>Fines (Continued)</b>	<b>Source/Violation</b>	<b>Identification</b>
	SNOW-PARK (PRC 5091.15) – 50% of fines on violations of SNOW-PARK	Winter Recreation Fund – PC 1463.04
	<del>State and Local Parking Violations processed by the courts from issuing state agencies 25% to the State</del> <b>REPEALED 7/1/93</b>	<del>General Fund (Parking) – PC 1462.3</del>
	<del>State Univ. &amp; College Parking Fines (PC 1463.5)</del> <b>REPEALED 6/30/91</b>	<del>State Univ. &amp; College Parking Revenue Fund – PC 1463.5a</del>
	<del>Violations on Cal Expo property (PC 1463.15) – 50% of fines</del> <b>REPEALED 6/30/91</b>	<del>State Fair Police Special Account – PC 1463.15</del>
	Restitution – Driving Under the Influence (PC 1463.18) – first \$20 of fines collected	Restitution Fund – PC 1463.18
	Financial Responsibility – \$3 per conviction. (VC 16028)	Motor Vehicle Acct. – PC 1463.22(b) or Transportation Fund – PC 1463.22(b)
	Financial Responsibility – \$10 per conviction. (VC 16028)	General Fund – PC 1463.22(c)
	<del>Forestry and Fire Protection Fines (PC 1463.27) – 80% of fines</del> <b>REPEALED 6/30/91</b>	<del>Dept. of Forestry and Fire Protection – PC 1463.27</del>
	Off-Highway Vehicle (VC 42204) – 50% of fines	Highway Vehicle Fund – VC 42204

<b>Penalties</b>	<b>Source/Violation</b>	<b>Identification</b>
	Check Cashers Permits – Civil Penalties (CC 1789.37) – 50% of Civil Penalties	General Fund – CC 1789.37
	<del>Added Penalty on Parking Violations; distribute \$1 of each \$2.50 to the State</del> <b>REPEALED 1/1/98</b>	<del>General Fund (\$1) GC 76000(e)</del>
	Additional Penalty (F&G 12021) – \$15 to be used for Secret Witness Program	Fish & Game Preservation Fund – F&G 12021
	Hazardous Waste Enforcement Penalties (H&S 25515.2) – \$200 from the civil or criminal penalties imposed	Hazardous Waste Enforcement Training Fund – H&S 25515.2
	Penalties/forfeitures for violations of labor laws or public works codes – 100% of penalties (LC 1734, 1730)	General Fund – LC 1734, 1730
	Penalties on Felony Convictions for Lewd or Lascivious Acts with Children (PC 288) – 100% of additional fine	Victim-Witness Assistance Fund – PC 288
	State Penalty – \$10 per \$10 or fraction of fine, penalty, or forfeiture. Distribute 70% of all state penalties collected (including prior levy amounts) to the State Penalty Fund. (PC 1464)	State Penalty Fund – PC 1464
	State Penalties collected on fish and game fines and forfeitures (PC 1464)	State Penalty Fund – PC 1464 (on F&G Fines)
	Civil Penalties on Equipment and Registration Tab Violations (VC 5204, 40203, 40225) – 50% of civil penalty	General Fund – VC 40225(d)

<b>Assessments</b>	<b>Source/Violation</b>	<b>Identification</b>
	Safety Belt Violations (VC 27315) – \$2 for first offense; \$5 for subsequent offenses	State Penalty Fund – PC 1464(f)(8)(B) or Traumatic Brain Injury – PC 1464(f)(8)(B)
	<del>Delta Protection Commission (F&amp;G 12002, 12002.1, 12002.2, or H&amp;N 668) – 10% of fines for violations occurring within delta</del> <b>REPEALED 1/1/96</b>	<del>Sacramento-San Joaquin Delta Protection Fund – PRC 29776</del>
	<del>State Fire Marshal Penalty Assessments (PC 1464.5) – .10 per \$1</del> <b>REPEALED 7/27/91</b>	<del>Fire &amp; Arson Training Fund – PC 1464.5</del>
<b>Other</b>	<b>Source/Violation</b>	<b>Identification</b>
	Restitution Orders to Victims unclaimed for three years (GC 50050) – 100% of order not used by local agency for victim services	Restitution Fund – GC 50050
	Delinquent Penalties, Trial Court Trust Fund (GC 68085(i))	Trial Court Trust Fund – GC 68085(i) – Delinquent Penalty
	Excess Funds, Trial Court Facilities (GC 68085.5)	Trial Court Trust Fund – GC 68085.5
	Distribution of Seized Asset Forfeitures (H&S 11489, 11470, 11471) – 24% of remaining forfeiture	General Fund – H&S 11489 (24%)
	Sale of Abandoned Watercraft (H&N 513, 518, and 522)	General Fund – (H&N 513, 518, and 522)
	Sale of Abandoned Watercraft less than \$300 in value (H&N 526)	Abandoned Watercraft – (H&N 526)

Other (continued)	Source/Violation	Identification
	Trial Court County MOE (GC 77201(b)(1)) – Expenditure Base through June 30, 1998	Trial Court Trust Fund – GC 77201(b)(1) – Expenditure Base
	Trial Court County MOE (GC 77201(b)(2)) – Revenue Base through June 30, 1998	Trial Court Trust Fund – GC 77201(b)(2) – Revenue Base
	Trial Court County MOE (GC 77201.1(b)(1)) – Expenditure Base beginning July 1, 1998	Trial Court Trust Fund – GC 77201.1(b)(1) – Expenditure Base
	Trial Court County MOE (GC 77201.1(b)(2)) – Revenue Base beginning July 1, 1998	Trial Court Trust Fund – GC 77201.1(b)(2) – Revenue Base
	Excess Collections (GC 77205) – County Cap – 50%	Trial Court Improvement Fund – GC 77205 – 50%
	<del>County Base Fine MOE</del> <del>(GC 1463.001)</del> <b>REPEALED 1/1/98</b>	<del>General Fund – PC 1463.001</del> <del>MOE</del>
	Distribution of sale proceeds from vehicle forfeitures (VC 14607.6(i)) – 50% of remaining proceeds	Vehicle Inspection and Repair Fund – VC 14607.6(i)

## Repealed Codes and Distributions to the State

B&P 6872 Civil Fines Unlicensed Operations Collection Agency

GC 27361(c) Recording Index Fee

GC 29550(f) Citation Processing Fee

GC 29550(f) Administrative Screening Fee

GC 76000(c) Added Penalty on Parking

PC 1463.001 75% of County Base Fines

PC 1463.001 50% of City Base Fines

PC 1463.001 MOE

PC 1462.3 General Fund (Parking)

PC 1463.02 State Parks and Recreation Fund

PC 1463.03 California State Police Division Fund

PC 1463.5a State College Parking Revenue Fund

PC 1463.15 California State Fair Police Special Fund

PC 1463.27 Department of Forestry and Fire Protection

PC 1464.5 California Fire and Arson Training Fund

PC 1465 Emergency Medical Services Fund\*

PRC 29776 Sacramento-San Joaquin Delta Protection Fund

VC 41103.5 Motor Vehicle Account

VC 42007 General Fund – 77% of TVS Fee

VC 42007.1 General Fund – TVS \$24 Fee

\*An Emergency Medical Services Fund is now provided for in GC 76104.

This page intentionally left blank

# **SECTION D**

## **Key Personnel Listing**

**OFFICE OF THE STATE CONTROLLER  
DIVISION OF ACCOUNTING AND REPORTING**

POST OFFICE BOX 942850

SACRAMENTO, CA 94250-5875

(916) 445-8717

**BUREAU OF REPORTING****ACCOUNTING  
POLICIES  
SECTION**

**Functions:** Prescribe, supervise, and maintain a uniform accounting system for trial courts, together with probation offices, central collection bureaus, and any other agencies having a role in the collection and distribution of fees, fines, penalties, and forfeitures.

**Key Personnel:**

Richard Alway (916) 322-9896

Bob Stonehouse (916) 327-2289

Craig Goodman (916) 445-1958

**BUREAU OF PAYMENTS****COST PLANS  
AND  
APPORTIONMENTS**

**Functions:** Responsible for quarterly trial court funding and trial court trust fund payments.

**Key Personnel:**

David Smart (916) 323-8077

Mike Havey (916) 322-9891

**BUREAU OF ACCOUNTING****CONTROL  
ACCOUNTS**

**Functions:** Review and process receipts of fines and forfeitures remitted by County Auditors to the State.

**Key Personnel:**

Jan Waggener (916) 322-9002

Bonnie Tse (916) 322-7973

**OFFICE OF THE STATE CONTROLLER  
DIVISION OF AUDITS**

POST OFFICE BOX 942850  
SACRAMENTO, CA 94250-5874

**COMPLIANCE AUDIT BUREAU****COURT  
REVENUE  
AUDITS**

**Functions:** Perform field audits of superior courts, municipal courts, and other agencies involved in the collection and distribution process to ensure complete and accurate remittances of court revenues to the State Treasurer. Provide audit guidelines for trial courts.

**Key Personnel:**

Greg Brummels (Sacramento)	(916) 322-8397
Gary Weimer (Sacramento)	(916) 323-4973
Ed Stafford (Los Angeles)	(310) 342-5647

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

303 SECOND STREET, SOUTH TOWER  
SAN FRANCISCO, CA 94107  
(415) 396-9100

**Functions:** Questions regarding quarterly reports, trial court budgets, and functional budgeting should be directed to:

**Key Personnel:**

Jonathan Wolin	(415) 396-9301
----------------	----------------

**Functions:** Questions regarding the Traffic Bail Schedule should be directed to:

**Key Personnel:**

Hampton Smith	(415) 357-3777
---------------	----------------